IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 956 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SANAT JAYANTILAL BAGLANI

Versus

SURESH JAYANTILAL BHAGLANI

Appearance:

1. Civil Revision Application No. 956 of 1999

MR SURESH M SHAH for Petitioner No. 1

MR PN BAVISHI for Respondent No. 1-5

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 19/04/2002

ORAL JUDGEMENT

Heard Mr. Shah, learned advocate for the petitioner and Mr. Bavishi, learned advocate for the respondent. The challenge is in respect of the order passed by learned Civil Judge (SD) Morbi dated 22nd

April, 1999, wherein, the learned trial Judge has while deciding the application Ex. 45 in Civil Misc. Application No. 35 of 1995 had allowed the application and stayed the further proceedings of CMA No. 37/95 till the final out come of the Sp. C.S. No. 55/93 and RCS No. 105/93. The said application Ex.45 is filed under Section 10 of the CPC. The learned trial Judge has while considering the application and examining the fact about filing of the suit being S.C.S. No.55/93, which was filed by heir no. 2 of deceased Jayantilal Bhaglani against heirs of Jayantilal Mohanlal and the dispute is in respect of the property of Jayantilal Mohanlal. Another suit being R.C.S. No. 105/93 is filed by his uncle against the heirs of deceased Jayantilal Bhaglani for the disputed property. It is also brought to my notice that both the suits are consolidated and to be heard by same court. In view of the fact that MCA No. 37/95 is stayed till the final disposal of the suit, there was no progress in both the suits.

2. It is brought to my notice that the proceedings initiated between the parties by filing different suits and the application is pertaining to the same property. Accordingly, without expressing anything on the contentions raised before me, it will be in the interest of justice that all the proceedings be heard by same judge and the learned trial Judge is directed to decide the proceedings pending before him as expeditiously as possible in accordance with law. With this observation, Civil Revision Application is disposed of. Rule is made absolute with no costs.

(D.K.Trivedi, J.)
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